

**Informal Meeting Minutes
Monday, February 23, 2009
Meeting Scheduled Start Time: 10:00 AM**

**BOARD OF SUPERVISORS
Maricopa County, Arizona
(and the Boards of Directors of the Flood Control District,
Library District, Stadium District, Improvement Districts,
and/or Board of Deposit)**



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

Board Members

Max Wilson, District 4, Chairman
Fulton Brock, District 1
Don Stapley, District 2
Andrew Kunasek, District 3
Mary Rose Wilcox, District 5

County Manager

David Smith

Clerk of the Board

Fran McCarroll

Meeting Location

Sullivan Conference Room
301 W. Jefferson, 10th Floor
Phoenix, AZ 85003

BOARD OF SUPERVISORS

The Board of Supervisors of Maricopa County Arizona convened in Informal Session at 10:00 AM on Monday, February 23, 2009, in the Sullivan Conference Room with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

Clerk of the Board

1. APPOINTMENT TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

Approve the appointment of Andy Bhakta to the Community Development Advisory Committee representing Supervisorial District 1. The term of the appointment will be effective as of the date of Board approval through June 30, 2009. (C-06-09-310-9-00)

This item was withdrawn.

2. EXECUTIVE SESSION

Vote to convene in Executive Session to consider items on the Executive Agenda dated Monday, February 23, 2009, pursuant to statutory authority listed for each item.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Chairman's Statement regarding County Attorney Conflict:

I would like to note for the record that the Board has previously expressed concern about the adversarial positions that the County Attorney's Office has often taken against the Board. This concern has caused us to retain independent counsel to analyze this apparent ethical conflict and to take actions that may be warranted. The analysis and response is ongoing. I would like to note that the Board in no way waives any conflict or ethical issues that exist as a result of the County Attorney's presence here.

1. LEGAL ADVICE - ARS §38-431.03(A)(3) PENDING OR CONTEMPLATED LITIGATION - ARS §38-431.03(A)(4) SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION - ARS §38-431.03(A)(4)

South Campus Group Housing, LLC v. Maricopa County (E-19-09-088-6-00)

Keith E. Russell, MAI, Maricopa County Assessor, Maricopa County Assessor's Office
Jean Rice, Deputy County Attorney, Maricopa County Attorney's Office
Domingos Santos, Deputy County Attorney, Maricopa County Attorney's Office

2. LEGAL ADVICE - ARS §38-431.03(A)(3)

Property tax rate error claims (E-19-09-091-9-00)

Keith Russell, Maricopa County Assessor, Assessor's Office
Jerry Fries, outside counsel,
Jean Rice, Deputy County Attorney, County Attorney's Office
Vicki Mangiapane, Deputy County Attorney, County Attorney's Office

3. LEGAL ADVICE - ARS §38-431.03(A)(3)

**Collections procedures for the Department of Planning and Development
(E-19-09-090-9-00)**

Joy Rich, Assistant County Manager, Planning and Development
Wayne Peck, Deputy County Attorney, County Attorney's Office
Jean Rice, Deputy County Attorney, County Attorney's Office

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Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

FLOOD CONTROL DISTRICT

F-1. LEGAL ADVICE - ARS §38-431.03(A)(3) PENDING OR CONTEMPLATED LITIGATION - ARS §38-431.03(A)(4) SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION - ARS §38-431.03(A)(4)

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Herbert E. Dreiseszun et al, Plaintiffs, v. Vulcan Materials Company, Calmat Company, and Flood Control District of Maricopa County, Defendants, CV2002-014968 (E-19-09-089-3-00)

Timothy S. Phillips, PE, Chief Engineer , Flood Control District
Roberta S. Livesay, Esq., Helm & Kyle, Ltd, outside counsel
Jean Rice , Deputy County Attorney, County Attorney's Office

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Max W. Wilson, Chairman of the Board

Fran McCarroll, Clerk of the Board